

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MONTY BRADBERRY, an individual,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. <u>CIV-22-165-PRW</u>
)	
TRULITE GLASS & ALUMINUM)	
SOLUTIONS, LLC, a Delaware Limited)	
Liability Company, and AGC FLAT)	
GLASS NORTH AMERICA, INC., a)	
Delaware Corporation,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C §1446 and LCvR 81.2, Defendant, Trulite Glass & Aluminum Solutions, LLC, a Delaware Limited Liability Company (“Trulite”), hereby files this Notice of Removal. In support of its Notice of Removal, Trulite states as follows:

1. Plaintiff brought an action against Trulite and AGC Flat Glass North America, Inc., a Delaware Corporation (“AGC”) in Case No. CJ-2022-349 filed in the District Court of Oklahoma County; State of Oklahoma styled, “*Monty Bradberry, an individual v. Trulite Glass & Aluminum Solutions, LLC, a Delaware Limited Liability Company, and AGC Flat Glass North America, Inc., a Delaware Corporation.*”

2. Plaintiff’s Petition was filed on January 24, 2022.

3. Co-Defendant, AGC, has been served with process, and counsel for AGC has authorized counsel for Trulite to represent that AGC consents to the removal of this case to federal court.

4. Plaintiff has alleged damages in excess of \$75,000.00, and also seeks an award of punitive damages.

5. This Court has original jurisdiction over this case pursuant to 28 U.S.C §1332, and the case is one which may be removed to this Court by Trulite pursuant to the provisions of 28 U.S.C §1441. Complete diversity of citizenship exists between Plaintiff and Defendants. Plaintiff is a citizen and resident of the State of Oklahoma. Defendant Trulite is a foreign entity, and no members of the LLC reside in Oklahoma. Defendant AGC is a foreign entity. AGC's place of incorporation is Delaware, and AGC's principal place of business is Georgia.

6. Removal is appropriate in this matter because complete diversity exists between Plaintiff and both Defendants. Further, Plaintiff seeks an amount greater than \$75,000.00, as required by 28 U.S.C §1332.

7. This Notice of Removal is timely filed under the provisions of 28 U.S.C §1446(b), in that it is filed within the time limits required by the Federal Rules of Civil Procedure. Service was accomplished by serving Trulite's Service Agent on January 28, 2022.

8. Pursuant to 28 U.S.C. §1446 and LCvR 81.2, copies of all process, pleadings served upon Trulite, the filings of the parties, together with a copy of the docket sheet from the Oklahoma County District Court, are attached hereto as Exhibits "1-6"

9. Trulite states that no motions are pending before the State Court at the time of removal.

10. Contemporaneously with this filing, Defendant, Trulite, will file a Notice of Filing Notice of Removal on Plaintiff's counsel, Defendant AGC's counsel, and the Court Clerk of the District Court of Oklahoma County, Oklahoma.

WHEREFORE, Trulite Glass & Aluminum Solutions, LLC, a Delaware Limited Liability Company respectfully requests that this Court remove the instant case from the District Court of

Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma.

/s/ J. Mark McAlester

J. Mark McAlester, OBA #18104

Michael S. McMillin, OBA #12404

Fenton, Fenton, Smith, Reneau & Moon

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ATTORNEYS FOR DEFENDANT,

TRULITE GLASS & ALUMINUM SOLUTIONS, LLC

CERTIFICATE OF SERVICE

This will certify that on the 25th day of February 2022, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the electronic records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following recipients:

Shawn D. Fulkerson, Esq. sfulkerson@fulkersonlawoffice.com

Gerald P. Green, Esq. jgreen@piercecouch.com

J. Mark McAlester
J. Mark McAlester/ Michael S. McMillin